

Application No.: 09/935,366  
**DRAFT RESPONSE**

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Docket No.: 140942000201  
Client No.: DX0758K1-RE

**Amendments to the Claims**

Claim 1 (Canceled)

Claim 2 (Twice amended): *when in spec new matter?*  
An isolated or recombinant [The] polynucleotide [of claim 1,]  
encoding an antigenic polypeptide of:

- a) SEQ ID NO:2;
- b) SEQ ID NO:4; or
- c) SEQ ID NO:5.

Claims 3-4 (Canceled):

Claim 5 (Currently amended): A recombinant or expression vector comprising said polynucleotide of claim [1] 2.

Claim 6 (Original): An isolated host cell comprising said expression vector of claim 5.

Claim 7 (Currently amended): A method of making a polypeptide comprising expressing said recombinant polynucleotide of claim [1] 2 and isolating said polypeptide, thereby making said polypeptide.

Claims 8 -11 (Canceled)

Claim 12 (Original): *The* Said polynucleotide of claim 2, that is a variant due to the degeneracy of the genetic code.

Claims 13-14 (Canceled)

Claim 15 (Currently amended): The polynucleotide of claim [1] 2, that :

- a) encodes the mature polypeptide of SEQ ID NO:2, 4, or 5; or
- b) comprises the mature coding portion of SEQ ID NO: 1 or 3.

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Claim 16 (Currently amended): The polynucleotide of claim 2, wherein said polynucleotide [:

a) ~~encodes a polypeptide with a sequence of amino acids 1-168 of SEQ ID NO:2 or amino acids 1-175 of SEQ ID NO:4;~~

[b)] is isolated from a [mammal] human or a mouse [;

c) ~~encodes a polypeptide comprising five or fewer conservative substitutions from a sequence of amino acids 1-168 of SEQ ID NO:2; or~~

d) ~~encodes a polypeptide comprising five or fewer conservative substitutions from a sequence of amino acids 1-175 of SEQ ID NO:4];~~

Claim 17 (Currently amended): The polynucleotide of claim [3] 2, which:

a) is attached to a solid substrate;

b) is detectably labeled;

c) is in sterile composition; or

d) ~~[encodes an antigenic polypeptide having at least 12 amino acid residues; or~~

e)] is synthetically produced.

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